

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANNIE L. FEAGIN,)
Plaintiff,)
v.) No. 1:20-cv-01107-JPH-MJD
JPMORGAN CHASE BANK, N.A.,)
Defendant.)

JPMORGAN CHASE BANK, N.A.,)
Counter Claimant,)
v.)
ESTATE OF DONNA G. TUOHY Through)
Personal Representative Garth Madison,)
ANNIE L. FEAGIN,)
Counter)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Mark J. Dinsmore has entered a Report and Recommendation, making recommendations regarding the following motions: Annie Feagin's Verified Claim for Immediate Delivery of Property, dkt. 21; Ms. Feagin's Amended Verified Claim for Immediate Delivery of Property, dkt. 29; and the parties' Joint Motion to Interplead and Dismiss Chase with Prejudice, dkt. 37. The parties have had the opportunity to object but have not done so. See Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1). The Court has considered and now **ADOPTS** the Report and Recommendation. Dkt. [44].

Accordingly, the Court **ORDERS** the following:

- Ms. Feagin's Verified Claim for Immediate Delivery of Property, dkt. 21, is **WITHDRAWN**, *see* dkt 37 ¶ 8;
- Ms. Feagin's Amended Verified Claim for Immediate Delivery of Property, dkt. 29, is **WITHDRAWN**, *see* dkt 37 ¶ 8;
- The parties' Joint Motion to Interplead and Dismiss Chase with Prejudice, dkt. 37, is **GRANTED** and Chase is **ORDERED** to deposit the funds at issue into the Court's registry pursuant to Federal Rule of Civil Procedure 67 within seven days of the date of this Order;
- Ms. Feagin is **ORDERED** to file an Amended Complaint within seven days of the date that the funds are deposited by Chase that asserts her claim(s) against the Estate; the Estate shall then assert its claims against Feagin as a counterclaim when it files its Answer to the Amended Complaint;
- Once the funds have been deposited by Chase and the Amended Complaint has been filed, the Court will **DISMISS** all claims against Chase and all claims asserted by Chase in this action with prejudice.

The Court further **ORDERS** that the Clerk of Court shall promptly invest the funds in a court-approved, interest-bearing instrument.

SO ORDERED.

Date: 8/26/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

ESTATE OF DONNA G. TUOHY Through Personal Representative Garth
Madison

Daniel Cueller
THE CUELLER LAW OFFICE
dan@cuellerlaw.com

Terrance Lamont Kinnard
KINNARD & SCOTT
tkinnard@kinnardlaw.net

Kyle W LeClere
BARNES THORNBURG LLP.
kleclere@btlaw.com

Brett Hunter Pyrdek
BARNES & THORNBURG, LLP (Chicago)
bpyrdek@btlaw.com

INSD Finance Department